

DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

MSB-7257

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
Interleukin-2 Mutein Expressed in Mammalian Cells, the specification of which

is attached hereto unless the following box is checked:

 was filed on May 11, 1999 as United States Application Number or PCT International Application Number _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

NONE

Priority Claimed

 Yes No

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

 Yes No Yes No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

NONE

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Michael J. Beck, Reg. No. 40,907
James A. Giblin, Reg. No. 25,772

Address all telephone calls to

James A. Giblin

at telephone number (510) 705-7910

Address all correspondence to

James A. Giblin

Bayer Corporation

800 Dwight Way

Berkeley, CA 94701

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sham-Yuen Chan

Inventor's signature

El Sobrante, California

Date May 14, 1999

Residence

Citizenship U.S.A.

Post Office Address

5192 Heavenly Ridge

El Sobrante, CA 94803

Full name of second joint inventor, if any (given name, family name)

Ruth Kelly Tuck

Second Inventor's signature

Date 05/14/99

Residence

Citizenship U.S.A.

Post Office Address

Richmond, California

967 Lassen Street

Richmond, CA 94805



Additional inventors are being named on separately numbered sheets attached hereto.

ASSIGNMENT

WHEREAS, WE, SHAM-YUEN CHAN AND RUTH KELLY, have invented certain new and useful improvements in INTERLEUKIN-2 MUTEIN EXPRESSED IN MAMMALIAN CELLS for which Application for United States Letters Patent was executed by US on May 14, 1999.

WHEREAS, Bayer Corporation, a corporation organized and existing under the laws of the State of Indiana, having a principal place of business at 800 Dwight Way, Berkeley, California 94710, is desirous of acquiring said invention and application and any and all Letters Patent that may be obtained therefor or thereupon;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of One Hundred Dollars (\$100.00) and other good and valuable consideration, to US in hand paid by Bayer Corporation, the receipt of which is hereby acknowledged, WE have sold, assigned, transferred and set over and by these presents do sell, assign, transfer and set over unto Bayer Corporation, its successors and assigns, the full and exclusive right, title and interest in and to said invention and application and any and all divisions and continuations thereof, and in and to any and all United States Letters Patent and any and all reissues and extensions thereof that may be issued for or upon said invention and applications, to have and to hold for its own use and behoof and the use and behoof of its successors and assigns as fully and entirely as the same might be enjoyed by US if this sale and assignment had not been made;

AND WE HEREBY AUTHORIZE and request the Commissioner of Patents and Trademarks to issue said Letters Patent and any reissues and extensions thereof to Bayer Corporation, as assignee of the entire right, title and interest in and to said invention and application and any and all Letters Patent issued therefor or thereupon;

AND WE HEREBY AGREE to execute all instruments and documents within OUR power which may be necessary for the carrying out of this assignment in full; and to execute any divisional or continuation application which may be necessary or proper to obtain full protection on the invention hereby assigned; and to execute any and all supplemental oaths, preliminary statements and other papers should the same be proper and necessary in the prosecution of said application and any divisions and continuations thereof;

AND WE HEREBY FURTHER ASSIGN unto Bayer Corporation, its successors and assigns, the whole right, title and interest in and to the invention disclosed in said application throughout all countries foreign to the United States and do hereby ratify any acts of Bayer Corporation, its successors and assigns, in applying for patents therefor in its own name in countries where such application is proper and do agree to execute applications for said invention in the several countries where it is necessary that the same be executed by the inventor, and to execute assignments of such applications and the patents to be obtained thereupon to Bayer Corporation, its successors and assigns;

AND WE HEREBY AUTHORIZE Bayer Corporation, and its successors and assigns, to claim the priority of the aforesaid United States Patent Application in accordance with the provisions of each and every international convention or treaty in connection with each and every corresponding application which it may file or cause to be filed in each and every country which is a party to any such convention or treaty.

IN WITNESS WHEREOF, WE have hereunto set OUR hands this 14th day of May, 1999.

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA)

ss:

Sham Yuen Chan
Ruth E. Kelly

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On this 14th day of May, 1999, before me personally appeared SHAM-YUEN CHAN, AND RUTH KELLY to me known to be the persons described in and who executed the foregoing instrument and acknowledge that THEY executed the same as THEIR free act and deed in THEIR authorized capacity.

Barbara Cantora
Notary Public

